

Section of Manual:	12. CHILD PROTECTION		
Document	12.2: CHILD SAFE PROCEDURE – MANDATORY REPORTING (RISK OF SIGNIFICANT HARM)		
Endorsement:		Review Date:	
Review Panel	The Chief Executive Officer, Principal and Compliance Manager must be a part of the review of this procedure. The procedure will be reviewed and updated as required and at least every two years.		
Purpose:	<p>Shoalhaven River College (SRC) is committed to ensuring that all children and young people are protected, and kept safe from harm.</p> <p>To purpose of this procedure is to provide guidance about mandatory reporting of risk of significant harm (ROSH) to a child. Mandatory reporting of ROSH to the Child Protection Helpline operated by the Department of Communities and Justice (DCJ) is a legal requirement. Failing to make a mandatory report when a child is at ROSH is a criminal offence.</p>		
Scope:	This procedure applies to all mandatory reporters engaged by SRC and all activities which result in or relate to contact with children or young people, both face-to-face and online, whether on-site or off-site.		
RANGS Manual:	3.6 Safe and Supportive Environment; 3.6.1		
Policy and Procedure	<p>The <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> requires a mandatory reporter to make a report, as soon as practicable, if they have reasonable grounds to suspect that a child under the age of 16 years is at risk of significant harm (ROSH), and the grounds arise during or from their work or role. While it is not mandatory under the Act, SRC also requires reporting when a mandatory reporter has reasonable grounds to suspect that a young person aged 16 or 17 years is at ROSH.</p> <p>Who is a mandatory reporter? At SRC, mandatory reporters are:</p> <ul style="list-style-type: none"> • Members of the Board of Directors • Principal • Teachers • Student Learning Support Officers • Administration staff • External providers/contractors who deliver services to children requiring a Working with Children Check <p>If you are not sure whether you are a mandatory reporter, please speak to the CEO or Principal.</p> <p>What are ‘reasonable grounds’? Reasonable grounds require concerns to be well founded and based on information you know or have received from a reliable source. They may be formed based on first-hand observations of the child or their family and/or information shared with</p>		

you by the child, young person, parent or another person. They may also be reasonably inferred based on professional training and/or experience. You are not required to confirm your suspicions or have clear proof or evidence before making a report, and you should not wait for this to occur before reporting.

What is ‘risk of significant harm’?

A child or young person is at risk of significant harm (ROSH) if current concerns exist for their safety, welfare or well-being because of the presence, to a significant extent, of any one or more of the following circumstances:

- the basic physical or psychological needs of the child or young person are not being met (neglect)
- the parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so)
- the parents or caregivers have not arranged for the child or young person to receive an education in accordance with the Education Act 1990 (unwilling or unable to do so)
- risk of physical or sexual abuse or ill-treatment
- parent or caregiver’s behaviour towards the child causes or risks serious psychological harm (emotional abuse)
- incidents of domestic violence and as a consequence a child or young person is at risk of serious physical or psychological harm (domestic or family violence)
- the child was the subject in a prenatal report and the birth mother did not engage successfully with support services.

What is ‘significant’ is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person’s safety, welfare, or wellbeing, or in the case of an unborn child, after the child’s birth.

Historical allegation

Historical allegation is a term used to describe an allegation of abuse that happened to someone (now an adult) when they were under the age of 18. Sometimes, historical allegations arise many years or decades after the abuse allegedly occurred. Information about an historical allegation may be reasonable grounds to suspect that a child (or a class of children – see below) is at ROSH if they have current contact with the person who is alleged to have committed the abuse, for example, the person is their parent, teacher or sports coach. For this reason, if an employee becomes aware of an historical allegation, they must consider if a mandatory report is required.

ROSH to a class of children or young people

A single child, or a ‘class of children or young people’, may be at ROSH. A ‘class of children or young people’ means more than one child or young person in an identifiable group. For example, information that an individual who works as a sports coach has abused a child may be reasonable grounds for suspecting that children in the team currently coached by the individual are at ROSH. The

Mandatory Reporter Guide prompts reporters to consider if a class of children or young people are at ROSH.

Cumulative risk

The Child Protection Helpline will have regard to 'cumulative risk' when assessing a report. A mandatory report should be made on each occasion that a reporter has reasonable grounds to believe a child is at ROSH. On each occasion, the reason for the report and any new or additional information about the nature of the ROSH should be provided.

Students aged 18 or over

Concerns about ROSH to a child or young person due to the actions of a student aged over 18 years or over will be dealt with in the same way as any other concerns about ROSH.

Types of significant harm

The information below is intended to provide guidance about the types of significant harm to which children may be at risk.¹ Staff must consult the [Mandatory Reporter Guide](#) (see below) when determining whether they need to make a mandatory report.

Neglect: a failure by a person to provide adequate and proper food, supervision, clothing, medical care or lodging for the child that causes or is likely to cause harm to the child. In the case of a child who is required to attend school, parents or care givers not arranging for a child to attend school can be neglect. Not providing for a child's psychological needs can also be neglect.

Educational neglect

Under the *Education Act 1990 (NSW)* parents have a duty to ensure that children of compulsory school age are enrolled at, and attend, a government or registered non-government school, or registered for home schooling and receive instruction in accordance with the conditions to which the registration is subject.

A child is of compulsory school-age if they are of or above the age of 6 years and below the minimum school leaving age. The minimum school leaving age is the age at which the child completes year 10, or the age of 17 years (whichever occurs first). A child who completes Year 10 but who is below the age of 17 years is of compulsory school-age unless the child participates on a full-time basis in approved education or training, or (if over 15) paid work, or a combination of both.

Habitual non-attendance at school can be described notionally as 30 unjustified/unexplained days out of 100 days. However, this is only a guide for assessing education neglect and staff should consider other contextual information, including any other single or repeated indicators of child abuse or neglect.

¹ https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines/reporting-and-responding-to-child-wellbeing-and-safety-concerns?merge_chapters=true

Physical abuse: any non-accidental physical act inflicted upon a child which has the potential to injure the child, with or without the presence of external injuries.

Sexual abuse: any act which exposes the child to, or involves them in, contact or non-contact sexual activity that results in harm, or is likely to result in harm, to the child. Child sexual abuse can be perpetrated by an adult, another child or a group. N.B: Age or developmentally appropriate peer consensual sexual activity may not be sexual abuse. The Mandatory Reporter Guide (MRG) provides further guidance on what is considered problematic, abusive or inappropriate for age and development, and what action to take.

Emotional abuse or psychological harm: any act by a person that results in a child suffering any kind of significant emotional deprivation or trauma.

Ill-treatment: conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel (e.g., making excessive or degrading demands, engaging in a pattern of hostile or degrading comments or behaviour, or using inappropriate forms of behaviour management)

Domestic or family violence: the child is living in a household where there have been incidents of domestic violence and as a consequence the child is at risk of serious physical or psychological harm.

Responding to immediate safety risks

If there is an immediate risk to the safety of a child or young person, an employee must immediately make a report to police by contacting 000 and follow their directions. They must then contact the Principal or CEO of Kiama Community College as soon as practical but no later than the end of the day.

Responding to a known or suspected criminal offence

Where an employee knows or suspects that a criminal offence has occurred, they must follow the Reporting to Police Procedure. Shoalhaven River College will report all criminal offences to police. The obligation to report to police is separate and additional to other reporting obligations, including (where required) mandatory reporting and notifying reportable conduct to the Office of the Children's Guardian (OCG). Child abuse offences should always be reported to police before they are reported to other relevant organisations. Failing to report a child abuse offence to police may be a criminal offence.

Process for making a mandatory report

A mandatory report to the Child Protection Helpline can be made by:

- eReport through the ChildStory Reporter website
- calling the Child Protection Helpline on 132 111.

Suspected ROSH must be reported to the Helpline within 24 hours. Imminent suspected ROSH should be reported to the Child Protection Helpline immediately by phone.

1. An employee who has concerns about a child or young person, or who has reasonable grounds to believe a child or young person is at ROSH, must notify the Principal. If the Principal is absent, the staff member should notify the Head Teacher or CEO of KCC.
2. The employee and Principal will discuss the concerns and complete the [Mandatory Reporter Guide \(MRG\)](#).
3. The Principal will follow the MRG's recommended actions, which may include reporting to the Helpline, or liaising with other agencies or support services to provide a local response.
4. The Principal will maintain and securely store records of all relevant information, including information reported by staff, copies of the MRG outcome and e-report, the report reference number (if reporting by phone), advice provided by the Helpline, and records of liaison with other agencies/services.
5. The Principal will advise the CEO that a mandatory report has been made.
6. The Principal will be responsible for ongoing liaison with DCJ as required.

Exceptions to the above process

1. If the suspected ROSH is imminent and the employee cannot immediately notify the Principal/CEO, they should make the report directly by phone to the Child Protection Helpline.
2. If an employee disagrees with the Principal's decision not to make a report, they may directly make a report to the Child Protection Helpline.
3. If the concerns relate to the Principal, the employee should first notify the CEO.

Where an employee makes a direct report to the Helpline, they must complete the [Mandatory Reporter Guide \(MRG\)](#) and advise the Principal as soon as possible on the same day. The employee is responsible for providing the Principal with all relevant documentation associated with making the report.

Mandatory reporters must always ensure they meet their legal obligations regardless of any advice or direction provided by the Principal or any other individual.

Using the Mandatory Reporter Guide

The [Mandatory Reporter Guide \(MRG\)](#) assists mandatory reporters to determine whether to make a report to the Child Protection Helpline or take alternative actions to support vulnerable children and young people.

1. Select the main decision tree in the MRG that most closely matches the concern(s) you have. If you have more than one concern, you should start with your most serious concern.
2. After selecting the applicable decision tree, answer each question. It is important to read the accompanying definitions to complete a 'yes' or 'no' answer until a final decision is reached. At the end, a decision report will be issued with an explanation of the outcome based on your completed decision tree.

3. Follow any advice provided by the MRG, including guidance on next steps if a report to the Child Protection Helpline is not required.
4. **If you do not agree with MRG advice to not make a report to the Helpline, you should still make the report, clearly stating your reason for doing so.**

Disclosing to young people and their families

The Principal will determine if and when the young person and/or their parent/carer should be advised that a ROSH report has been made. The decision will be made on a case-by-case basis in consultation with DCJ and police (where relevant). The Principal will follow any directions given by police. Consideration will be given to:

- the immediate needs and safety of the child
- the type of abuse that has been reported
- the age and capacity of the child to make sense of the information
- the additional stress that may be placed on the child or family, which may in turn increase the risk of further abuse to the child
- the impact of doing so on any investigation that may be undertaken.

Confidentiality

Employees must treat all child protection concerns confidentially, while meeting internal and external reporting obligations, and only disclose information to those that need to know.

Record keeping

Employees must promptly and comprehensively document all information related to concerns about ROSH and mandatory reporting (even if the MRG advises against reporting to the Child Protection Helpline).

The Principal is responsible for ensuring there are adequate systems and practices for recording child protection concerns and the actions taken in response, including mandatory reporting, and that staff understand and comply with requirements. Records will be stored securely and permanently in accordance with the Record keeping and Information Sharing policy and procedures, which are informed by the Australian Privacy Principles (APPs) and other relevant legislation, and the recommendations by the Royal Commission into Institutional Responses to Child Sexual Abuse report on record keeping and information sharing.

Protections for mandatory reporters

There are protections under the *Children and Young Persons (Care and Protection) Act 1998* for a person who makes a report in good faith (s.29). These include no liability for defamation and no grounds for civil or criminal liability due to making the report. It is a criminal offence (s.29AB) to take, or threaten to take, detrimental action against a person acting in good faith, who makes, or plans to make, a report. It is also a criminal offence (s.29f) to disclose the identity of the person who made a report, or information from which their identity could be deduced, except with the consent of the person who made the report, or by court order.

Related Policies

- Child Safe Policy
- Child Safe Procedure – Reporting to Police

	<p>Child Safe Procedure – Reportable Conduct Duty of Care Policy Request for Police Assistance Policy Critical Incidents and Emergency Policy Record keeping & Information Sharing Policy</p>
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